



STATE OF WEST VIRGINIA  
OFFICE OF THE ATTORNEY GENERAL  
DARRELL V. MCGRAW, JR.  
CONSUMER PROTECTION DIVISION  
1-800-368-8808 or 304-558-8986

# Press Release

March 26, 2003

FOR IMMEDIATE RELEASE CONTACT: Charli Fulton  
304-558-8986  
1-800-368-8808

**ATTORNEY GENERAL DARRELL V. MCGRAW, JR.  
ANNOUNCES AGREEMENT REQUIRING  
CORRECTIVE ACTION BY H & H WINDOWS UNLIMITED, INC.**

Attorney General Darrell V. McGraw, Jr., is pleased to announce that he has reached an agreement with H & H Windows Unlimited, Inc., (H&H) a West Virginia corporation headquartered in Morgantown, West Virginia. H&H manufactures, supplies, and installs vinyl insulated windows to consumers and contractors. An investigation was initiated in January 2003 after the Consumer Protection Division received complaints from 40 consumers that H&H had sold them defective windows and did not replace them under the company's lifetime warranty. Under the agreement, H&H is required:

to contact the consumers who have complained to the Attorney General's office and to schedule an appointment to repair and/or replace defective windows;

to complete, within 120 days of the date of the agreement, all repairs and/or replacements of defective windows; and

to honor all future claims made by consumers under its lifetime warranty.

TruSeal, Inc., the manufacturer of a component in the defective windows, agreed to pay \$225,000 in monetary damages after being sued by H&H. Those monies are now being held in an escrow account to be used to repair the remaining defective windows. H&H's obligation to honor its lifetime warranty is not limited to the amount contained in that account.

Based on its investigation, the State alleged that H&H violated several state and federal laws. These include, but are not limited to: (1) refusing to honor its warranty on windows it manufactured and sold covered by a "lifetime warranty"; (2) misrepresenting the style of windows sold to some consumers; and (3) performing defective work while installing windows for consumers. Attorney General McGraw stated, "Businesses and consumers alike should know that consumer goods cannot be sold 'as is' in West Virginia. Even if there is no manufacturer's warranty, there is an implied warranty under law. Goods must be fit for the ordinary purposes for which such goods are used."

Persons who would like to file a complaint or believe they may be entitled to compensation under the assurance are encouraged to call Attorney General McGraw's Consumer Protection Division at 1-800-368-8806 or 304-558-8986. Consumers may also write to P.O. Box 1789, Charleston, WV 25326-1789, or e-mail [consumer@wvago.state.wv.us](mailto:consumer@wvago.state.wv.us).

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